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Richard L. Schwartz

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EXAMINER

BASOM, BLAINE T

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,784

Applicant(s)

SCHWARTZ ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/19/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on July 19, 2006 was filed after the mailing date of the non-final Office Action on June 12, 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

Regarding independent claims 1, 44, and 87, the Applicants assert that Wolff (U.S. Patent No. 5,327,486 to Wolff et al.), Kung (U.S. Patent No. 6,373,817 to Kung et al.), and Klein (U.S. Patent No. 5,434,908 to Klein), presented in the previous Office Action, fail to teach or suggest “transmitting, from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as is recited in claim 1, and recited similarly in claims 44 and 87. In support of this assertion, the Applicants particularly contest the Examiner’s allegations regarding Klein, and argue that Klein fails to disclose, teach, or suggest an “availability status operable to notify the second party when the first party is available *at the mediation subscriber*

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communication device for voice-based communication," as is claimed. The Examiner, however, respectfully disagrees with this argument.

Klein explicitly teaches generating a message that communicates the availability status of a called party to a calling party, the availability status indicating when the called party is available for voice-based communication:

If there is a non-blank entry 501 in schedule database 1007 for the present time, as determined at step 404, process 1005 checks whether private flag 507 of that entry 501 is set, at step 406. If flag 507 is set, indicating that the information in that entry 501 is private, process 1005 instructs message system 1000 to use the default greeting for subscriber X, at step 408. If flag 507 is not set, process 1005 uses the information contained in the entry 501 for the present time to generate a corresponding present-time personal greeting for subscriber X, at step 410. Process 1005 creates the greeting as an electronic file in voicable form, e.g., PCM or CELP, using conventional text-to-speech conversion technology. Illustratively, process 1005 may employ the services of a Creative Labs' Sound Blaster text-to-speech board and application software for this purpose. **Illustratively, the form of the personal greeting is as follows: "Hello. You have reached the mailbox of X. I'm at activity in location until duration. Please leave a message after the tone."** The underlined terms in the message are variables for which process 1005 substitutes information based on contents of the corresponding fields of the entry 501 for the present time. An illustrative example of such a personal greeting is shown in FIG. 5. (Emphasis added, see column 4, lines 14-37).

The generated message, that is, asserts that the called party is unavailable until a given time, and consequently, indicates that the called party is available after the given time. Whereas there is no explicit recitation in the message that the called party will be available *at his or her mediation subscriber communication device*, a calling party hearing the message would understand that the

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called party will available at the asserted time at the number called, i.e. at the called party's mediation subscriber communication device, for voice-based communication.

Even more, given the broadest, most reasonable interpretation of the contested claim language – “said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication” – the generated message is considered to provide some indication of when the called party is available at the mediation subscriber communication device for voice based communication. A calling party hearing the message is notified that the called party is not currently available at his or her communication device for voice-based communication, and therefore, is provided an indication of when (i.e. not now) the called party is available at his or her communication device for voice-based communication.

Furthermore, Klein explicitly states that the generated message may state when the called party will be available and at what extension (e.g. the number of his or her mediation subscriber communication device) for voice based communication:

Also, the personal greeting need not be generated merely as a function of the schedule information, but may be generated as a function of a matrix of additional types of information, such as the location or identity of the caller, a caller-provided access code, time-of-day, weekday/weekend, etc. The capability of the invention may also be integrated with other tools and capabilities, e.g., setting off an alarm to notify the subscriber that it is time for a scheduled appointment. Furthermore, the generated personal greeting message may also indicate when the subscriber will be available, e.g., "Hello, you have reached the voice mailbox of X. Presently, I am at place until time. I will be available at this extension from time until time and from time until time." The information is derived from an analysis of the schedule data. (See column 6, lines 3-18).

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The generated message, that is, communicates the availability status (i.e. schedule information) of the called party, the availability status operable to notify a calling party when the called party is available at his or her mediation subscriber communication device for voice-based communication.

Accordingly, for these reasons, the Examiner respectfully submits that Klein discloses an “availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as is claimed. The Applicants’ arguments have thus been fully considered, but are not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 11-12, 14-15, 18, 24-29, 32-33, 36, 44-51, 54-55, 57-58, 61, 67-72, 75-76, 79, and 87-88, 90-92, 94, and 96-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,327,486, which is attributed to Wolff et al. (hereafter referred to as “Wolff”), over U.S. Patent No. 6,373,817, which is attributed to Kung et al. (and hereafter referred to as “Kung”), and also over U.S. Patent No. 5,434,908, which is attributed to Klein. In general, Wolff presents a system that automates telephone receptionist functionality, specifically by providing the means to make and receive calls on behalf of a called party, and the means to

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intelligently screen and route incoming calls (for example, see column 1, line 63 – line 2, line 26). Wolff is consequently considered to teach a method for mediated virtual communication.

Specifically regarding claims 1-8 and 36, Wolff discloses that in response to receiving an incoming call, mediation information is displayed on a display portion of a mediation subscriber's communication device, namely on a "palm-top computer" (see column 3, line 33 – column 4, line 43). Specifically, the name and number of the calling party, along with a plurality of follow through actions regarding the incoming call, are received from a mediation system and displayed on the palm-top computer (see figure 4, in addition to column 44, lines 33-43). The user may then select, via a data interface portion of the palm-top computer, one of the displayed follow-through actions (for example, see column 4, line 43 – column 5, line 23). Wolff discloses that this input is then transmitted from the palm-top computer for reception by the mediation system, so that the selected follow through action is communicated to the calling party (see column 5, lines 7-51). Thus like recited in claim 1, Wolff is understood to teach facilitating display, on a visual display portion of a mediation subscriber communication device associated with a first party, mediation information regarding an incoming communication from a second party, the facilitating display of mediation information including: receiving, at the mediation subscriber communication device from the mediation system, data including a contextual communication summary, i.e. the name and number of the second party, and a plurality of possible follow-through actions regarding the incoming communication; and displaying the contextual communication summary and the plurality of possible follow-through actions. Wolff is further considered to teach: facilitating selection, via a data interface portion of the mediation subscriber communication device, of one of the follow-through actions; and transmitting, from

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the mediation subscriber communication device for reception by the mediation system, the selected follow-through action, such that the mediation system communicates the selected follow-through action to the second party. Wolf, however, does not explicitly teach that an availability status of the first party is transmitted to the mediation system and communicated to the second party, as is expressed in claim 1, whereby the mediation subscriber communication device receives and displays an “availability selector” used to designate the availability status of the first party, the availability indicating an availability of the first party for facilitating voice-based communication at the mediation subscriber communication device, as is expressed in claims 1-8 and 36.

Like Wolff, Kung presents a system for intelligently screening and routing calls (i.e. for voice based communication) to a mediation subscriber according to his or her location (for example, see column 2, lines 15-53 of Kung). Kung teaches that mediation information, such as the subscriber’s schedule and associated contact information, may be displayed on a visual display portion of the mediation subscriber’s communication device, specifically a network computer (for example, see column 34, lines 11-57; and column 36, lines 36-60). The subscriber may designate, via the data interface portion of the mediation subscriber’s communication device, selected mediation information, for example, in order to modify the subscriber’s schedule and associated contact information (see column 34, lines 11-57). It is understood that this selected mediation information is transmitted from the mediation subscriber’s communication device to a mediation system, such that calls are transferred to the subscriber according to the subscriber’s schedule and contact information (for example, see column 34, lines 20-57). Specifically regarding claims 1-8, Kung discloses that the mediation information displayed by

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the mediation subscriber's communication device may comprise a schedule of the subscriber's locations during particular periods of the day or week, and information for contacting the subscriber at each specific location (see column 34, lines 20-57). Such locations may include the subscriber's mediation communication device, i.e. his or her computer (for example, see column 34, lines 20-50). Kung further discloses that the subscriber may modify this schedule and contact information in order to modify how the subscriber is accessed by a calling party (see column 34, line 20 – column 36, line 4). Consequently, this schedule and associated contact information is considered an "availability selector," like that recited in claim 2, as it designates the subscriber's availability. Specifically regarding claim 3, the subscriber's schedule and contact information, an example of which is shown in figure 7(a), may be displayed on the screen of the subscriber's computer terminal (see column 36, lines 36-60). This schedule may indicate the subscriber's presence associated with a meeting, may indicate the subscriber's presence associated with a designated time of day, may indicate the subscriber's presence associated with a day, and may comprise information regarding the priority of a calling party's communication request, like recited in claims 4-7 and 36 (see column 34, line 20 – column 36, line 4). The subscriber manipulates a data interface portion of the mediation subscriber's communication device in order to designate his or her availability status during particular portions of the schedule (for example, see column 34, lines 20-40). It is understood that this availability status information is transmitted from the mediation subscriber's communication device to a mediation system, such that calls are transferred to the user according to the user's availability status information (for example, see column 34, lines 20-57). Specifically regarding claim 1, Kung discloses that the user's availability status may be communicated by the mediation

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system to the calling party, for example, when the called party is not at the location called by the calling party (for example, see column 37, lines 5-61). Kung thus teaches receiving and displaying an availability selector used to designate the availability status of a first party, whereby this availability status is transmitted to a mediation system and communicated to a second party, and whereby the availability status indicates an availability of the first party for facilitating voice-based communication at the mediation subscriber's communication device, as is expressed in claims 1-8 and 36.

It would have been obvious to one of ordinary skill in the art, having the teachings of Wolff and Kung at the time the invention was made, to modify the method taught by Wolff, such that mediation information displayed by the mediation subscriber's communication device also comprises an availability selector, as is done by Kung. It would have been advantageous to one of ordinary skill to utilize this combination, because such an availability selector, comprising an adjustable schedule and associated contact information of the user, allows the system to quickly and efficiently ascertain the user's location and contact information when an incoming call occurs, and allows the user to quickly and efficiently adjust such a schedule and contact information, as is demonstrated by Kung. Wolff and Kung thus teach creating a schedule for a user (i.e. via an "availability selector"), the schedule designating the contact information of the user during particular times and particular days of the week. As taught by Kung, calls are routed to the user's communication device according to this schedule. Once called, the user may select a follow-through action, such as for sending a particular message to the calling party, as is taught by Wolff. Neither Wolff nor Kung explicitly teach, however, that the selected follow-through action is transmitted to the mediation system such that the mediation system communications the

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selected follow-through action and the designated availability status to the calling party, whereby as is expressed in claims 1-8 and 36, the designated availability status is operable to notify the calling party when the user is available at the mediation subscriber communication device for voice-based communication. Nevertheless, transmitting a called party's availability status (e.g. from the called party's schedule) to a calling party is well known in the art.

For example, like Wolff, Klein teaches transmitting and playing a particular message to a calling party (for example, see column 1, lines 10-50). Like Kung, Klein further teaches maintaining a schedule designating the availability of the user (for example, see column 1, line 33 – column 2, line 3; and column 3, lines 39-58). The message sent to the calling party may notify the calling party of the user's schedule, in order to inform the calling party when the user is available for voice-based communication at his or her communication device (for example, see column 3, line 58 – column 4, line 37; and figure 5).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Wolff, Kung, and Klein at the time the invention was made, to modify the method taught by Wolff and Kung, such that a particular message that is sent to the calling party (i.e. sent in response to selecting a follow-through action, like taught by Wolff) notifies the calling party of the user's availability status (i.e. schedule) so as to inform the calling party when the user is available at the mediation subscriber communication device for voice-based communication, like taught by Klein. It would have been advantageous to one of ordinary skill to utilize this combination, because as taught by Klein, many people like to use such messages as a way to provide information about their whereabouts during the day (for example, see column 1, lines 10-30).

In reference to claims 44-51 and 79, it is noted that these claims recite a computer program product implementing features similar to those in claims 1-8 and 36. Wolff discloses that the above-described method, which entails the features of claims 1-8 and 36, may be implemented via a computer program and an apparatus from which the computer program is accessible by a data processor (for example, see column 3, lines 33-44). Consequently, such a computer program implementing the above-described method of Wolff, Kung, and Klein is considered a “computer program product,” like that recited in claims 44-51 and 79.

In reference to claims 87 and 91-92, it is noted that these claims recite a system comprising features similar to those in claims 1-2 and 36. Wolff discloses that the above-described method, which entails the features of claims 1-2 and 36, may be implemented via a computer program and an apparatus from which the computer program is accessible by a data processor (for example, see column 3, lines 33-44). Accordingly, an apparatus implementing the above-described method is considered a “system” like that recited in claims 87 and 91-92.

As per claims 11-12, 14-15, 54-55, and 57-58, Wolff discloses that the user’s network computer may receive and display data including a contextual communication summary, which identifies the calling party, and also a plurality of follow-through actions, each selectable by the user to perform a specific function in response to the call, as is described above. One such follow-through action transfers the caller to voice mail, or in other words, indicates that a message will be taken (see column 4, line 43 – column 5, line 24). Another follow-through action described by Wolff is selectable to send a text message indicating that the user would like to schedule a return call, specifically expressing that the user will call the calling party back in a designated number of minutes (see column 4, line 43 – column 5, line 24; and column 6, lines

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37-45). Lastly, Wolff discloses that another follow-through action enables the incoming call to be transferred to the user's current location or to a different person (see column 4, line 43 – column 5, line 24). The user manipulates a data interface portion of the user's network computer in order to select one of the follow-through actions (see column 4, line 43 – column 5, line 24). In response, data indicating the selected follow-through action is transmitted from the user's network computer for reception by a mediation system (see column 4, line 43 – column 5, line 24).

Regarding claims 18, 24-25, 61, 67-68, and 96-97, the above-described combination of Wolff, Kung, and Klein teaches a method like that of claim 1, a computer program product like that of claim 44, and a system like that of claim 94, which involve displaying mediation information on a display portion of a mediation subscriber's communication device, as is shown above. Kung specifically teaches that such mediation information includes the subscriber's schedule, according to which telephone calls and the like are transferred to the subscriber, as is further shown above. Particularly, this schedule and various options associated therewith may be accessed via a menu (see column 36, lines 36-60 of Kung). Consequently, Kung is considered to teach receiving, at the mediation subscriber's computer terminal, i.e. communication device, data including a plurality of options menu selections, whereby these options menu selections are displayed. It is understood that the subscriber manipulates a data interface portion of the mediation subscriber's communication device in order to select one of the options menu selections (see column 34, lines 20-40; and column 36, lines 36-60). In response, the selected option is transmitted from the mediation subscriber's communication device to a mediation

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system, thus resulting in access to information related to the selected option, such as the subscribers schedule (for example, see column 36, lines 36-60).

Specifically regarding claims 26, 28, 69, and 71, the above-described follow-through actions taught by Wolff are understood to be displayed via a menu (for example, see figure 4). The above-described combination of Wolff, Kung, and Klein thus teaches receiving, at the mediation subscriber communication device from a mediation system, data including a mediation information menu, whereby this menu is displayed to the user, and whereby this menu specifically comprises various follow-through actions. Consequently, such a menu is considered a “follow-through” action menu, like that recited in claims 28 and 71.

Regarding claims 27, 29, 32, 33, 70, 72, 75, and 76, the above-described combination of Wolff, Kung, and Klein teaches a method like that of claim 26, and a program product like that of claim 69, which entail displaying mediation information on a display portion of a mediation subscriber’s communication device, as is shown above. Kung particularly teaches that such mediation information may include the subscriber’s schedule, according to which telephone calls and the like are transferred to the subscriber. This schedule and various options associated therewith may be accessed via a menu (see column 36, lines 36-60). Consequently, Wolff, Kung, and Klein are considered to teach receiving and displaying, at the mediation subscriber’s communication device, data including a mediation information menu. Such a menu may particularly be used to access the subscriber’s schedule, which as described above is used to modify the subscriber’s availability status. Consequently, such a menu is considered an “availability status menu,” like that expressed in claims 27 and 70. Additionally, this menu may comprise various options, as is shown above in the rejection for claim 18. This menu is therefore

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also considered an “options menu,” like that recited in claims 29 and 72. It is understood that the subscriber manipulates a data interface portion of the mediation subscriber’s communication device in order to select one of the menu selections (see column 34, lines 20-40; and column 36, lines 36-60). In response, the selection is transmitted from the mediation subscriber’s communication device to a mediation system, thus resulting in access to information related to the selection, such as the subscribers schedule (for example, see column 36, lines 36-60).

Regarding claims 88, 90, and 94, Kung discloses that the mediation subscriber’s communication device, which facilitates display, designation, and transmission of mediation information, may be a web-equipped terminal capable of accessing and displaying a web page from the mediation system. It is understood that such a web-equipped terminal may be a wireless telephone, such as a cell phone, which is capable of accessing and displaying web information, as is known in the art (see column 4, lines 23-60, and column 19, line 27 – column 20, line 31 of Kung). It is further understood that such a web-equipped terminal may be a telephone capable of interacting with a voice response system (see column 36, lines 36-60).

Regarding claim 90, Kung further discloses that the above-described system comprises a data packet server, which is included within the mediation system (for example, see column 5, line 65 – column 6, line 43) and a data packet client, specifically the subscriber’s communication device, which accesses and displays web pages from the server (for example, see column 36, lines 36-60). Because of the reasons shown above in the rejection for claim 18, claim 94 is understood to be anticipated by Wolff, Kung, and Klein.

As per claim 98, the above-described follow-through actions taught by Wolff are understood to be displayed via a menu (for example, see figure 4). Such a menu is considered a

“mediation information menu,” like that recited in claim 98. The above-described combination of Wolff, Kung, and Klein thus teaches receiving, at the mediation subscriber communication device from a mediation system, data including a mediation information menu, whereby this menu is displayed to the user.

Claims 13, 37, 56, 80, and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wolff, Kung, and Klein, which is described above, and also over U.S. Patent No. 5,758,280, which is attributed to Kimura. As shown above, the combination of Wolff, Kung, and Klein teaches a method like that of claim 1, a program product like that of claim 44, and a system like that of claim 87, whereby a plurality of follow-through actions are received and displayed by a mediation subscriber’s communication device, specifically a network computer. Such follow through actions may be for indicating that a message will be taken, indicating that the subscriber will initiate a return call in a designated number of minutes, indicating that the subscriber would like to schedule a return call, and for enabling an incoming call to be transferred, as is shown above in the rejections for claims 11-12 and 14-15, for example. This combination of Wolff, Kung, and Klein, however, does not explicitly disclose a follow-through action for indicating that the mediation subscriber will initiate a return call when the mediation subscriber is next available, as is recited in claims 13, 37, 56, 80, and 93.

Like the above-described combination of Wolff, Kung, and Klein, Kimura presents a system whereby a called party is provided with information, displayed on a network computer, which identifies the calling party (see column 1, lines 50-67 of Kimura). The called party is then provided with a plurality of options, each selectable to perform a function in response to the call

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(see column 1, line 50-67). Specifically regarding the claimed invention, one such option is selectable in order to send a text message to the calling party, the text message indicating that the user will call the calling party back, or in other words, initiate a return call when he or she is next available (see figure 3 and its associated description in column 3, lines 10-26).

Consequently, it would have been obvious to one of ordinary skill in the art, having the teachings of Wolff, Kung, Klein, and Kimura at the time the invention was made, to modify the plurality of follow-through actions taught by Wolf, Kung, and Klein to include the follow-through action taught by Kimura, which results in the transmission of a text message indicating that the user will call the calling party back. It would have been advantageous to one of ordinary skill to utilize this combination, because such a text message is useful in certain circumstances, particularly when the user does not know an exact number of minutes to specify that the calling party should call back, as is demonstrated by Kimura.

Claims 19-23, 30-31, 39, 43, 62-66, 73-74, 82, 86, 89, 95, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wolff, Kung, and Klein, which is described above, and also over U.S. Patent No. 5,933,778, which is attributed to Buhrmann et al. (and hereafter referred to as "Buhrmann"). As per claims 19-23, 39, 62-66, 82, and 95, Wolff, Kung, and Klein teach a method like that of claim 18, a program product like that of claim 61, and a system like that of claim 94, which involve receiving a plurality of options menu selections, and whereby as described above, these options menu selections are displayed via a display portion of the mediation subscriber's communication device. Kung specifically teaches that such menu selections are used to access and maintain the subscriber's schedule, according to

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which telephone calls and the like are transferred to the subscriber (for example, see column 36, lines 36-60). Kung, Wolff, and Klein, however, fail to explicitly disclose that the options menu selections comprise a selection for enabling a call to be made, a selection for enabling a service reservation to be made, a selection for enabling an availability to be altered, a selection for enabling a policy to be altered, and a selection for enabling a service preference to be altered, as is expressed in claims 19-23, 39, 62-66, 82, and 95.

Like Wolff, Kung, and Klein, Buhrmann describes telecommunications systems which enable the user to be reached by telephone, no matter where the user is located, and in accordance with the user's schedule (see column 3, line 49 – column 4, line 17). Regarding the claimed invention, Buhrmann teaches presenting various options corresponding to the user's schedule. For example, Buhrmann teaches that a "call completion request" may be selected by the user, whereby such a request provides a service which enables calls to be forwarded during a particular period in the user's schedule (see column 7, line 31 – column 8, line 19). Buhrmann therefore teaches providing an option for enabling a service reservation to be made, one such service reservation, call forwarding, further enabling a call to be made. By the same reasoning, Buhrmann teaches providing an option enabling a service preference to be altered. Additionally, Buhrmann discloses that the user has the option of modifying his or her schedule, thus altering his or her availability (for example, see column 7, lines 31-60). Lastly, Buhrmann discloses that the user may be presented with the option of overriding a particular policy, such as for example, that during a scheduled meeting, all calls to the user are to be forwarded to voice mail (see column 8, line 59 – column 9, line 18).

Consequently, it would have been obvious to one of ordinary skill in the art, having the teachings of Wolff, Kung, Klein, and Buhrmann at the time the invention was made, to modify the menu taught by Wolff, Kung, and Klein, such that it provides a selection for enabling a call to be made, a selection for enabling a service reservation to be made, a selection for enabling an availability to be altered, a selection for enabling a policy to be altered, and a selection for enabling a service preference to be altered, as is taught by Buhrmann. It would have been advantageous to one of ordinary skill to utilize this combination because such options provide the user with more control over how he or she is reached, as is demonstrated by Buhrmann.

Specifically regarding claims 30, 31, 73, and 74, the above-described options taught by Buhrmann are displayed via a menu. As described above, such options include options for enabling a service reservation to be made, and options for arranging the user's schedule. Consequently, this menu is considered a "services menu," like that recited in claims 30 and 73, and also, an "arrangement options menu," like that expressed in claims 31 and 74.

Regarding claims 43, 86, and 99, Kung teaches selecting mediation information from an availability status menu and from an options menu, as is described above in the rejections for claims 2 and 18, for example. Wolff further teaches selecting mediation information from a follow-through actions menu, as is described above in the rejection for claim 1, and Buhrmann teaches selecting mediation information from a services menu and an arrangement options menu. Consequently, the above-described combination of Wolff, Kung, Klein, and Buhrmann is considered to teach a method like that recited in claim 43, a product like that recited in claim 86, and a system like that recited in claim 99.

Specifically regarding claim 89, the combination of Wolff, Kung, and Klein, as described above in the rejections for claims 87 and 88, teaches a system for facilitating mediated virtual communication, comprising a mediation subscriber communication device, such as a wireless phone, which is capable of facilitating display, designation, and transmission of mediation information. Kung further discloses that this communication device may be connected to the mediation system via a data packet network (for example see column 4, lines 1-22). However, Kung, Wolff, and Klein fail to explicitly teach that this data packet network includes a general packet radio service, wherein the wireless telephone is capable of communicating via a general packet radio system, as is recited in claim 89. As shown above, Buhrmann similarly presents a system whereby a user is provided with mediation information, displayed on a network device, which identifies such information as the user's schedule. Calls are then forwarded to the user, based on this schedule, as is further shown above. Regarding the claimed invention, Buhrmann discloses that the network device may be a wireless telephone connected to a data packet network comprising a general packet radio service, whereby it is understood that the wireless telephone is capable of communicating via a general packet radio system (see column 5, lines 18-51; and column 12, lines 34-54). Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Kung, Wolff, Klein, and Buhrmann at the time the invention was made, to modify the wireless phone taught by Kung, Wolff, and Klein, such that it is capable of communicating via a general packet radio system, which as taught by Buhrmann, is included within the data packet network. It would have been advantageous to one of ordinary skill to utilize such a combination, because a data packet radio system is a standard communication medium for a wireless telephone, as is demonstrated by Buhrmann.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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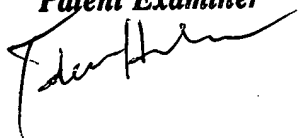
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

btb

11/20/2006

TADESSE HAILU

Patent Examiner

A handwritten signature in black ink, appearing to read "Tadesse Hailu", written over the printed name and title.